IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.707 OF 2006

Chandrakant Pandurang Todankar ... PETITIONER
& Ors.

V/s.

State of Maharashtra & Ors. ... RESPONDENT

Mr. T.N. Subramaniam, Sr. Counsel with Mr. Ramesh Ramamurthy for the petitioner.

Mr. M.D. Naik, AGP for respondent No.1.
Mr. G.D. Utangale for respondent No.2.
Mr. N.H. Seervai, Sr. Counsel with Mr. A.A. Rao for respondent No.4.
Mr. R.K. Sharma for respondent No.5.

CORAM : F.I. REBELLO,
ANOOP V. MOHTA, JJ.

DATED : 14th March, 2006

P.C.

. The petitioner is a member of co-operative society. They are aggrieved by the LOI given to respondent No. 5. Respondent No. 5 is a federal society. It is contended that the Petitioner's society is not member of respondent No.5. Inspite of that, respondent No. 5 has been given development permission.

2. The petitioner's society is not a partt to the petition. If it is the case of the petitioner that their society is not protecting their interest, they have a forum available to move under the MCS Act for

removal of such managing committee.

3. The learned counsel on behalf of petitioner contends that they had approached this court earlier by way of Writ Petition (L) No. 1771 of 2005 and by order dated 7th July, 2005, they were permitted to make representations. They had made representations and the impugned order came to be passed. That order is not only binding on the petitioner society, but other eight societies, who were not before the authority concerned.

4. We are not impressed by the arguments advanced on behalf of the petitioners that they had made representation and as their representation has been rejected, they have a right to challenge that decision. This by itself would be no ground for them to once again approach this Court on behalf of their society and or other societies.

5. Those societies including petitioner’s society if they are aggrieved can approach this Court, in which event, whatever contentions, those societies have, can be raised before this Court and considered by this Court.

6. For the aforesaid reasons petition stands disposed of.

[F.I. REBELLO,J.]

[ANOOP V. MOHTA, J.]